

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

James Demetrius Redd,

Civil 10-2030 MJD/FLN

Petitioner,

v.

O R D E R

Joan Fabian, Commissioner of  
Corrections,

Respondent.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated February 24, 2011, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Petitioner's petition under 28 U.S.C. §2254 for writ of habeas corpus by a person in state custody [ECF No. 1] is DENIED;
2. This matter is DISMISSED WITH PREJUDICE; and
3. JUDGMENT BE ENTERED ACCORDINGLY.

Pursuant to 28 U.S.C. §2253(c), a Certificate of Appealability will not be issued because Petitioner has failed to make a substantial showing of the denial of any constitutional rights. LET JUDGMENT BE ENTERED.

DATED: March 29, 2011.  
at Minneapolis, Minnesota

s/Michael J. Davis  
CHIEF JUDGE MICHAEL J. DAVIS  
United States District Court